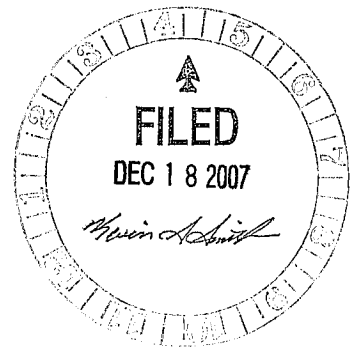


In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR WAYNE COUNTY)

Case No. 89S00-0712-MS- 602

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Wayne Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Wayne Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR89-AR1-12 and LR89-CR00-13 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website prior to taking effect on January 1, 2008.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR89-AR1-12 and LR89-CR00-13 for Wayne County Courts, set forth as an attachment to this Order, are approved effective January 1, 2008. The Clerk of this Court is directed to post a copy of the amended rules on the Indiana Judicial Website prior to January 1, 2008. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. David Andrew Kolger, Wayne Circuit Court, 301 East Main Street, Richmond, IN 47374-4200; the Hon. Thomas P. Snow, Wayne Superior Court, 301 East Main Street, Richmond, IN 47374-4200; the Hon. Gregory A. Horn, Wayne Superior Court, 301 East Main Street, Richmond, IN 47374-4200; the Hon. Darrin M. Dolehanty, Wayne Superior Court, 301 East Main Street, Richmond, IN 47374-4200; and to the Clerk of the Wayne Circuit Court.

The Clerk of the Wayne Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website prior to January 1, 2008.

DONE at Indianapolis, Indiana, this 18th day of December, 2007.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR89-AR1-012 RANDOM FILING OF CIVIL CASES

A. Random Filing.

Civil filings in Wayne Circuit, Wayne Superior Court No. 1 and Wayne Superior Court No. 2 shall be assigned to said courts by way of random selection process but in such a way that each court receives roughly the same number of filings of each type of category (i.e., adoptions, civil miscellaneous, civil plenary, civil torts, domestic relations, estates, guardianships, mental health, protective orders, etc.)

B. Exempt Filings.

Paternity filings shall be exempt from the random selection process.

C. Captions to Contain Blanks.

Captions of all proposed initial pleadings shall contain blank spaces where appropriate to enable the Clerk to enter the identity of the receiving court and its cause number.

D. Transfer of Cases to Balance Case Load.

The judges of the Wayne Circuit Court, Wayne Superior Court No. 1, and Wayne Superior Court No. 2 shall periodically review the filing patterns and reserve the right to transfer cases in the event of a disproportionate distribution of cases in order to balance the caseload and expedite dispositions of all pending cases.

LR89-CR00-013. FILING PROCEDURE FOR CRIMINAL CASES

A. Misdemeanors are filed in Wayne Superior Court III unless the misdemeanor accompanies a felony charge filed in Wayne Circuit Court, Wayne Superior Court I, or Wayne Superior Court II.

B. The following felonies shall be filed in Wayne Superior Court III, unless at least one Class C, B or A felony (other than those filed under I.C. 9-30-5 or 9-30-6) or Murder, is also filed against the same defendant in the same Information or Indictment:

1. Battery, a class D felony, filed under I.C. 35-42-2-1.
2. Domestic Battery, a Class D Felony, filed under I.C. 35-42-2-1.3.
3. Possession of Marijuana, Hash Oil or Hashish, a Class D Felony.
4. All offenses filed under I.C. 9-30-5.
5. All offenses involving the operation of a motor vehicle while driving privileges are suspended, restricted, or forfeited.

C. If the defendant:

1. has at least one pending criminal case, or
2. is on probation

in Circuit Court, Superior Court I or Superior Court II, then any felony charges brought against the same defendant, other than those felony charges listed at (B)(1-5), are to be filed in the court having jurisdiction over the matter referred to at (C)(1) OR (C)(2).

D. If the defendant:

1. has at least one pending felony case, and/or
2. is on formal felony probation

in Superior Court III, then any Class D Felony charges brought against the same defendant shall be filed in Wayne Superior Court III.

E. Except as otherwise dictated by paragraph (A), (B), (C) or (D), criminal cases shall be filed in a random and equal manner in Circuit Court, Superior Court I and Superior Court II.

F. If the Judge or personnel of a Court are required as witnesses in any case, the case shall not be filed in that Court, and the Clerk shall cause that case to be randomly filed in a different Court, unless otherwise excepted by this rule.

G. When the State of Indiana chooses to re-file a dismissed case, the case shall be assigned to the Court from which the dismissal was taken. This rule applies to all charges arising out of the same offense report, arrest report, or set of operative facts.

H. Upon the granting of a change of judge or the disqualification or recusal of a judge, a successor or special judge shall be assigned as follows:

Initial Judge

Circuit Court
Superior Court 1
Superior Court 2
Superior Court 3

Successor/Special Judge

Superior Court 1
Superior Court 2
Circuit Court
On an equal and rotating basis from among the
Judges of Circuit Court, Superior Court 1 and
Superior Court 2

I. In order to provide for an appropriately balanced case load and appropriate use of court resources, the Judges of the Wayne County Courts may, from time to time, transfer cases to other courts within Wayne County. Transfer of cases shall be by written order of the forwarding court, and shall be subject to written consent by the Judge of the receiving Court.

J. If unusual and unforeseen circumstances occur, deviation from the provisions of this rule may be obtained for a particular case with the approval of the Courts.